

Order

Michigan Supreme Court
Lansing, Michigan

March 8, 2005

Clifford W. Taylor
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Justices

ADM File No. 2004-37

Amendment of Rule 7.217
of the Michigan Court Rules

On order of the Court, the amendment of Rule 7.217 of the Michigan Court Rules adopted October 19, 2004, having been considered by the Court at a public hearing, the Court further amends Rule 7.217, effective immediately.

[The present language is amended as indicated below.
New text is shown in underlining and deleted text in overstriking.]

Rule 7.217 Involuntary Dismissal of Cases

(A)-(C) [Unchanged.]

(D) Reinstatement.

- (1) Within 21 days after the date of the clerk's notice of dismissal pursuant to this rule, the appellant or plaintiff may seek relief from dismissal by showing mistake, inadvertence, or excusable neglect.
- (2) ~~The clerk will not accept for filing a late motion for reinstatement.~~ The chief judge of the Court of Appeals will decide all untimely motions for reinstatement of an appeal.

Staff Comment: The March 8, 2005, amendment of MCR 7.217(D)(2) requires the chief judge of the Court of Appeals to decide all untimely motions for reinstatement of an appeal that is involuntarily dismissed for want of prosecution.

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the court.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 8, 2005 Corbin R. Davis
Deputy Clerk